

HOUSE BILL REPORT

SB 5466

As Reported by House Committee On:
Public Safety

Title: An act relating to criminal history record information compliance audits.

Brief Description: Modifying criminal history record information compliance audit provisions.

Sponsors: Senators Carrell, Kohl-Welles and King; by request of Washington State Patrol.

Brief History:

Committee Activity:

Public Safety: 3/5/13, 3/12/13 [DP].

Brief Summary of Bill

- Requires the Washington State Patrol (WSP) to identify dispositions that have been outstanding a year or longer since the date of arrest.
- Requires each criminal justice agency to provide the WSP with current disposition information within 60 days of receipt of notification for an outstanding disposition.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso and Takko.

Staff: Yvonne Walker (786-7841).

Background:

The Washington State Patrol's (WSP) Identification and Criminal History Section of the agency is the central repository for criminal history record information (CHRI) for the State of Washington. The CHRI consists of fingerprint-based records and disposition information submitted by law enforcement agencies and courts throughout the state. Local criminal justice agencies are required by law to submit felony and gross misdemeanor arrest and

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disposition information to the WSP, where it is included in a CHRI database called Washington State Identification System.

At least once per year the WSP must complete an audit of disposition records for each prosecuting attorney, district and municipal court, and any other originating agency. The purpose of the audit is to ensure that all disposition reports have been received and added to the WSPs CHRI database.

Generally, it can often take up to a year for courts and local agencies to finalize a disposition on a case. However, under statute the WSP is required to prepare a list of all arrests charged and listed in the database for which no disposition report has been received in more than nine months since the date of arrest. That list of outstanding dispositions must be provided to each respective prosecuting attorney, district and municipal court, and originating agency.

Each criminal justice agency must respond within 45 days and provide the WSP with a current disposition report for each outstanding disposition. The WSP must assist each entity with the compliance audit by cross-checking outstanding cases with the Administrative Office of the Courts and the Department of Corrections. The WSP may also provide any needed technical assistance with the compliance audits. Any case still pending prosecution must be considered an outstanding disposition in the compliance audit.

The results of the audit are published annually and distributed to the Office of Financial Management, each legislative committee responsible for criminal justice issues, and criminal justice agencies and associations.

Summary of Bill:

The time period is expanded for receiving and responding to disposition reports. In conducting its compliance audit, the WSP must identify those records where no disposition report has been received for one year or longer (instead of nine months) since the date of arrest. Upon receipt of a list of outstanding dispositions from the WSP, each criminal justice agency must provide the WSP with a current disposition report or the current status of each outstanding disposition within 60 days (instead of 45 days) of receiving notification of an open arrest. Outstanding dispositions must be researched by the WSP staff or the originating criminal justice agency.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill basically does two things. It states that any dispositions that have been hanging out there for a year or more have to be resolved and local police have 60 days after they are notified to indicate the disposition. A disposition is the actual finding whether there is conviction or a report on the actual arrest.

The criminal records division has found with the impacts to the court system and the shrinkage in staff and funding that final disposition records are often delayed and it is impossible to reconcile the records within the current nine-month deadline. This is a language cleanup bill to align the WSP's procedures with the process and protocols in the statute and rules.

(Opposed) None.

Persons Testifying: Senator Carrell, prime sponsor; and Rob Huss, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.